REMARKS

Claims 25-32, 34-38, 40-43 and 45-48 are pending in the present application. Claims 25, 34, and 37 were amended in this response. Claim 39 was canceled, without prejudice. No new matter has been introduced as a result of the amendments. Favorable reconsideration is respectfully requested.

Claims 25-32, 36-43, 47 and 48 were rejected under 35 U.S.C. §102(e) as being anticipated by *Uesugi et al.* (EP 0893,889). Claims 34, 35, 45 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Uesugi et al.* (EP 0893,889) in view of *Hogan* (US Pub 2001/0018741). Applicants traverse these rejections. Favorable reconsideration is respectfully requested.

Specifically, the cited art, alone or in combination, fails to teach "embedding the power control information in a timeslot structure together with further data to be transmitted in the same timeslot to said transmitter; coding, in the receiver, the power control information in one time slot in a manner where the power control information is coded, with the addition of redundancy, together with the further data to be transmitted in the same time slot to form a common data word, with at least one bit value in the data word depending on the power control information **and** on the further data; transmitting the coded power control information in one timeslot to the transmitter, together with the further data to be transmitted in the same time slot; and setting, in the transmitter, the transmission power as a function of the transmitted coded power control information" as recited in claim 25 and similarly recited in claim 37.

Uesugi discloses a method and an apparatus for adjusting the transmitting power in a CDMA communication system. Specifically, Uesugi discloses rate judging apparatus which judges the rate of transmission data by a first slot of a transmission frame, a level controller which carries out processing by which the transmission power of transmission control information given to the top of the respective slots after the second slot is made identical to that of the transmission data, and transmission means for transmitting frames processed by uniform transmission power responsive to the result of the judgment (col. 3, lines 16-26). Under this arrangement, transmission frames are purportedly transmitted with uniform transmission power regardless of the transmission data rate (col. 4, lines 28-35).

In col. 19, lines 48-51 and FIG. 16B, Uesugi discloses a case where the transmission data rate low, thus prompting the CDMA communication apparatus to repeatedly transmit transmission data along with the controlling information and transmission data (see also col. 6, lines 33-42). This is done according to Uesugi to account for transmission data (1200) that is spread-controlled by spread controller 1201. Thus, if the transmission data rate is low, the transmission data is processed so that it has a small amplitude and a long symbol length (hence the repeating), and if the transmission data rate is high, the transmission data is processed so that it has a large amplitude and a short symbol length. The time multiplexer 1203 multiplexes the pilot symbol 1202 and the power controlling signal (TPC) 1207, and the transmission data is CDMA-modulated by CDMA modulator 1204, amplified, and transmitted through antenna 1206 (col. 12, lines 35-47).

It is apparent to the Applicant that the CDMA modulation of Uesugi does not represent the encoding process described in the present claims, where the receiver codes the power control information in one time slot in a manner where the power control information is coded, with the addition of redundancy, together with the further data to be transmitted in the same time slot to form a common data word, with at least one bit value in the data word depending on the power control information and on the further data. Under the claimed configuration, a number of bits are encoded together (e.g., a number of output bits are formed dependent on the number of input bits wherein at least a part of the output bits are dependent on a number of input bits) (therefore not only on one). As a result of coding, a common data word (e.g., block code) is formed, where one bit value in the data word is dependent upon the power control information and on the further data Also, the claim provides for redundant encoding. The Uesugi reference is silent in this regard and instead teaches combined multiplexing of a spread code provided by the spread controller (1201).

In light of the present amendments and argument provided above, Applicant respectfully submits the rejections under 35 U.S.C. §102 are traversed and should be withdrawn. In light of the above remarks, Applicant respectfully submit that claims 25-32, 34-38, 40-43 and 45-48 are allowable. Applicants respectfully submit that the patent application is in condition for allowance and request a Notice of Allowance be issued. The Commissioner is authorized to charge and credit Deposit Account No. 02-1818 for any additional fees associated with the submission of this Response. Please reference docket number 112740-344.

Respectfully submitted,

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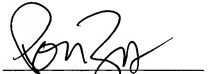
BY 

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